

West Virginia Executive Branch Privacy Policy: Consent

When Consent Isn't All or Nothing

QUESTION:

Is consent all or nothing, or do I have choices?

ANSWER:

We often think of consent for the use of private information (PI) as an “all or nothing” matter. You either opt-in or opt-out. You either have consent or you don't.

But in many cases it is appropriate to give people a variety of choices. Instead of “do you agree to receive marketing messages? Yes/No,” you might offer a series of choices around marketing communication types. For example:

Please make the following choice:

- ☐ I would like to receive marketing emails
- ☐ I would like to receive direct mail
- ☐ I would like to receive emails and direct mail
- ☐ I do not want to receive any marketing communications

This approach empowers people to make the choices that best suit them.

You can offer other types of choices as well. It's common to offer people choices around third party sharing. For example, a website may give consumers the opportunity to agree that the website owner may send marketing messages but to opt-out of the owner sharing the PI with unrelated companies for their own use.

As you consider the ways you use and disclose PI, consider what choices (if any) make sense. Too many choices can be daunting, but “yes or no” may not be enough!